

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor: Doree Duncan Seligmann

Serial No.: 10/816511

Conf. No.: 8627

Filing Date: 4/1/2004

Art Unit: 2617

Examiner: Sharad Rampuria

Docket No.: 630-067US

Title: Location-Based Command Execution for Mobile Telecommunications Terminals

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pre-Appeal Brief Request for Review

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

Respectfully,
Doree Duncan Seligmann

By **/Jason Paul DeMont/**

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Dear Sir:

Pre-Appeal Brief Remarks

Claims 1-3, 6, 8, 9, 14-22, 36-47, 50-52 and 64-75 are pending, have been finally rejected, and are being appealed.

Claims 1-3, 6, 8, 9, 45-47, 50-52, and 64-75 have been rejected under 35 U.S.C. 102(e) as being anticipated by N. J. Beamish et al., U.S. Patent 6,694,143, (hereinafter "Beamish").

Claims 14-22 and 36-44 have been rejected under 35 U.S.C. 102(e) as being anticipated by M. Vanska, et al., U.S. Patent 7,072,667, issued July 4, 2006 (hereinafter "Vanska").

The applicant respectfully submits that the remarks filed on 5 February 2007 distinguishing the claims from Vanska are correct, and that the Final Rejection of claims 14-22 and 35-44 is incorrect.

The applicant also respectfully submits that Beamish – which was cited for the first time in the present Official Action, and was relied upon in lieu of Vanska for the Final Rejection of claims 1-3, 6, 8, 9, 45-47, 50-52, and 64-75 – does nothing to cure the deficiencies of Vanska, and that therefore the Final Rejection of these claims is also incorrect.

The applicant's arguments are summarized here for the reader's convenience.

35 U.S.C. 102 Rejection of Independent Claims 1, 45, 64, and 71

Independent claims 1, 45, 64, and 71 were rejected under 35 U.S.C. 102(e) as being anticipated by Beamish. The applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A method comprising:
receiving at a mobile telecommunications terminal a command that
reads the value of a datum; and
determining whether to execute said command based on *the geo-
location of said mobile telecommunications terminal and on said value.*
(emphasis supplied)

Nowhere does Beamish teach or suggest, alone or in combination with the other references, what claim 1 recites – namely receiving at a mobile terminal a command to read the value of a datum (e.g., John Smith's account balance, etc.). The present invention as recited in claim 1 can be used, for example, to prevent a user from accessing John Smith's account balance from his or her mobile terminal unless the terminal is located inside the bank and the account balance is less than one million dollars.

Beamish mentions nothing about reading the value of a datum – let alone considering the datum's value when deciding whether or not to permit the read – in the passage cited by the Office (Col. 7, lines 11-23), or anywhere else in the reference, and a careful reading of that text confirms the applicants' position.

For this reason, the applicant respectfully submits that the rejection of claim 1 is traversed.

Independent claim 45 was rejected under 35 U.S.C. 102(e) as being anticipated by Beamish. The applicant respectfully traverses the rejection.

Independent claim 45 recites:

45. A method comprising:
receiving at a mobile telecommunications terminal a command that
reads the value of a datum; and
determining whether to execute said command based on *the geo-
location of said mobile telecommunications terminal and on said datum.*
(emphasis supplied)

Nowhere does Beamish teach or suggest, alone or in combination with the other references, what claim 45 recites – namely receiving at a mobile terminal a command to

read the value of a datum and determining whether to execute the command based on the terminal's geo-location and on the requested datum. The present invention as recited in claim 45 can be used, for example, to:

- prevent any data stored in the bank's computers from being accessed at a terminal unless the terminal is physically located inside the bank
- prevent a terminal located inside the bank from accessing customer social security numbers, or customer account balances (regardless of their value)
- allow a terminal located inside the bank to access customer telephone numbers.

As submitted above, nowhere does Beamish mention anything about reading the value of a datum – let alone considering the requested datum when deciding whether or not to permit the read.

For this reason, the applicant respectfully submits that the rejection of claim 45 is traversed.

Independent claim 64 was rejected under 35 U.S.C. 102(e) as being anticipated by Beamish. The applicant respectfully traverses the rejection.

Independent claim 64 recites:

64. A method comprising:
receiving at a mobile telecommunications terminal a command that *updates the value of a datum*; and
determining whether to execute said command based on *the geo-location of said mobile telecommunications terminal and on said value prior to updating*.
(*emphasis supplied*)

Nowhere does Beamish teach or suggest, alone or in combination with the other references, what claim 64 recites – namely receiving at a mobile terminal a command to update the value of a datum and determining whether to execute the command based on the terminal's geo-location and on the datum's prior value. Beamish mentions absolutely nothing about updating the value of a datum – let alone considering the datum's prior value when deciding whether or not to permit the update.

For this reason, the applicant respectfully submits that the rejection of claim 64 is traversed.

Independent claim 71 was rejected under 35 U.S.C. 102(e) as being anticipated by Beamish. The applicant respectfully traverses the rejection.

Independent claim 71 recites:

71. A method comprising:
receiving at a mobile telecommunications terminal a command that *reads the value of a datum*; and
determining whether to execute said command based on *the geo-location of said mobile telecommunications terminal and on the geo-location at which said value is stored*.
(*emphasis supplied*)

Nowhere does Beamish teach or suggest, alone or in combination with the other references, what claim 71 recites – namely receiving at a mobile terminal a command to read the value of a datum and determining whether to execute the command based on the terminal's geo-location and on where the datum's value is stored. Beamish doesn't mention anything about reading the value of a datum, or anything about the geo-location at which data is stored.

For this reason, the applicant respectfully submits that the rejection of claim 71 is traversed.

35 U.S.C. 102 Rejection of Independent Claims 14 and 36

Independent claims 14 and 36 were rejected under 35 U.S.C. 102(e) as being anticipated by Vanska. The applicant respectfully traverses the rejection.

Independent claim 14 recites:

14. A method comprising:
receiving at a mobile telecommunications terminal *a request to access content*; and
determining *a version of said content* to access based on the geo-location of said mobile telecommunications terminal.
(*emphasis supplied*)

Nowhere does Vanska teach or suggest, alone or in combination with the other references, what claim 14 recites – namely receiving a request from a mobile terminal to access content, and determining what version of the content to transmit to the terminal based on the terminal's geo-location. The present invention can be used, for example, to provide a user with a "G-rated" version of a video clip when the user is in a church, and an "R-rated" version of the video clip when the user is at home.

In contrast, the Office's citation of Vanska pertains to a wireless terminal that detects that one of its resident software applications is obsolete and downloads a more recent version of the software application. Vanska has nothing to do with content (*i.e.*, data), or a user requesting to access content – let alone determining what version of content should be returned in response to a user request.

For this reason, the applicant respectfully submits that the rejection of claim 71 is traversed.

Independent claim 36 recites:

36. A method comprising:
transmitting from a mobile telecommunications terminal *a request to access remote content*; and
receiving at said mobile telecommunications terminal *a version of said remote content* that is based on the geo-location of said mobile telecommunications terminal.
(*emphasis supplied*)

For the same reason as for claim 14, the applicant respectfully submits that the rejection of claim 36 is traversed.

If the Office has any questions, please feel free to call the applicants' attorney at 732-578-0103 x11.

Respectfully,
Doree Duncan Seligmann

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